

CARL M. HEBERT, ESQ.  
Nevada State Bar #250  
202 California Avenue  
Reno, NV 89509  
775-323-5556 (voice)  
775-323-5597 ( fax)  
[carl@cmhebertlaw.com](mailto:carl@cmhebertlaw.com)

Counsel for Defendant/Third-Party Plaintiff  
Road and Highway Builders, LLC

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

THE BOARD OF TRUSTEES, in their  
capacities as Trustees of the CONSTRUCTION  
INDUSTRY AND LABORERS HEALTH AND  
WELFARE TRUST FUND; CONSTRUCTION  
INDUSTRY AND LABORERS JOINT PENSION  
TRUST FUND; CONSTRUCTION INDUSTRY  
AND LABORERS VACATION TRUST FUND;  
and SOUTHERN NEVADA LABORERS LOCAL  
872 TRAINING TRUST,

**CASE NO. : 2:11-cv-01579-JCM-(VCF)**

Plaintiffs,

vs.

ROAD AND HIGHWAY BUILDERS, LLC, a  
Nevada limited liability company,

Defendant.

ROAD AND HIGHWAY BUILDERS, LLC, a  
Nevada limited liability company,

Third-Party Plaintiff,

vs.

EDITH MARTINEZ,

Third-Party Defendant.

**DEFAULT JUDGMENT AGAINST THIRD-PARTY DEFENDANT EDITH MARTINEZ**

On January 25, 2012 defendant Road & Highway Builders, LLC filed its third-party

1 complaint for express contractual indemnity, equitable indemnity and fraud. The third-party  
2 complaint was personally served on third-party defendant Edith Martinez on February 29,  
3 2012, who failed to plead or otherwise defend; consequently, a default was entered on  
4 January 30, 2013.

5 Third-party plaintiff Road & Highway Builders, LLC filed its motion for entry of a  
6 default judgment on January 31, 2013. On March 29, 2013 this Court entered its order  
7 directing a default judgment against third-party defendant Martinez on the fraud claim for  
8 relief only. Therefore,

9 IT IS ORDERED that defendant/third party plaintiff Road & Highway Builders, LLC  
10 recover from third-party defendant Edith Martinez the following amounts:

11 1. \$125,000.00, which is the sum paid in settlement by Road & Highway Builders,  
12 LLC to the plaintiffs;

13 2. Prejudgment interest at the rate of 5.25% from February 29, 2013, the date of  
14 service of the summons and third-party complaint upon third-party defendant Martinez, to  
15 the date of the entry of judgment;

16 3. Pursuant to 28 U.S.C. §1961, post-judgment interest at the rate of 0.09% until  
17 the judgment has been satisfied, and

18 4. \$25,437.50 for attorney's fees as an item of special damages in defending the  
19 plaintiffs' suit.

20 DATED May 22, 2014.

21  
22  
23   
24 UNITED STATES DISTRICT JUDGE  
25  
26  
27  
28